

# Meeting Minutes

## May 19, 2005

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, May 19, 2005 6:00 P.M.

Town Hall Council Chambers, 26379 Fremont Road

#### 1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, City Engineer/Public Works Director Henry Louie, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to limit the length of time for public comments to three minutes.

Mayor O'Malley announced that the meeting agenda would be reorganized. Agenda item 5.2 would be heard immediately following Presentations from the Floor.

#### 2. APPOINTMENTS AND PRESENTATIONS

##### 2.1 Resolution of Commendation – Robert Anderson

Mayor O'Malley presented a Resolution of Commendation to resident Robert Anderson, Ph.D. Anderson had recently been honored with the Engineering Sciences Section's Founder Award by the American Academy of Forensic Sciences. Mayor O'Malley noted that Anderson had contributed countless volunteer hours to the Town to enhance its emergency amateur radio communications system and overall emergency preparedness. Anderson's achievement and volunteer efforts were acknowledged by an ovation from the Council and audience.

##### 2.2 Proclamation in Honor of Congregation Beth Am's 50<sup>th</sup> Anniversary

Mayor O'Malley read into the record the Proclamation in Honor of Congregation Beth Am's 50<sup>th</sup> Anniversary.

#### 3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission had met on May 12, 2005 and reviewed the Purissima Hills Water District application for it's new facility. The Commission recommended approval of the Site Development and Use Permits and the project will be forwarded to the City Council for final approval in June.

#### 4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Mordo and passed unanimously to approve the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting May 5, 2005
- 4.2 Review of Disbursements: 4/27/2005 – 5/11/2005 \$175,874.80
- 4.3 Grant of Open Space Easements: Lands of Andrews and Rumi;  
26030 New Bridge Drive
- 4.4 Dedication of Right-of-Way; Lands of Andrews and Rumi,  
26030 New Bridge Drive
- 4.5 Grant of Storm Drain Easement; Lands of Andrews and Rumi,  
26030 New Bridge Drive
- 4.6 Approval of Purchase – Additional AMX Touch Room Control Equipment for  
Council Chambers

#### 5. UNFINISHED BUSINESS

##### 5.1 Town Goals

##### 5.1.1 Complete Town Hall On Time and On Budget

##### 5.1.1a TBI Update

Mayor Pro Tem Kerr reported that the landscaping for the facility had begun and the target completion date, weather permitting, would be June 6, 2005. The final change order and budget details would be forwarded to the City Council for their consideration in the near future.

##### 5.1.1b Discussion of Wi-Fi for New Town Hall Council Chambers

Mayor Pro Tem Kerr offered that there had been discussion by the Town Hall Committee to establish a Wi-Fi hot spot in Council Chambers in the early planning phase of the facility but it had never been brought to fruition. Kerr was bringing the discussion forward to Council for their consideration. He believed it would be a useful tool for the community attending Council and Planning Commission meetings and Standing Committee members during their meetings. Kerr explained that the application would

have a different internet connection than the Town's internal network. He expected the associated costs to be modest.

Council consensus was to move forward with the Wi-Fi "hot spot" installation in Council Chambers.

#### 5.1.1c Underground Project Status Report

Councilmember Warshawsky reported that the Undergrounding Project was proceeding on time. He explained that the Committee was now focusing on marketing the project and examining different methodologies for educating the public on the "How To" of Undergrounding and Assessment Districts. He would continue to keep Council apprised of their efforts.

#### 5.2 Traffic Mitigation at Fremont Road/Arastradero Road

City Manager Maureen Cassingham introduced this item to Council. She advised that she had received a letter from Frank Benest, City Manager, City of Palo Alto, dated May 19, 2005. Council had a copy of the letter before them.

City Engineer/Director of Public Works Henry Louie summarized his staff report/memorandum dated May 19, 2005 titled "Traffic Mitigation at Fremont Road/Arastradero Road" for the City Council.

Mayor O'Malley noted that members of the Palo Alto staff were present to answer Council and audience questions regarding the Mayfield Development Agreement with Stanford University and invited them to speak.

Steve Emslie, Director of Planning and Community Environment, City of Palo Alto, addressed Council. He thanked them for the opportunity to clarify the facts pertaining to the Agreement. Emslie distributed copies of the letter from City Manager Frank Benest to members of the audience. He noted that Palo Alto staff had met yesterday with the Town's staff to review the issues of concern that had been voiced by the residents of the community and explained that the letter was crafted as a fact sheet to respond to the questions posed by staff. Emslie reviewed the letter with Council.

Emslie introduced the additional Palo Alto Staff present in the audience: Lisa Grote, Chief Planning Official (administered the preparation of the Environmental document and the development agreement); Heba El-Givendy, Transportation Engineer (reviewed the traffic technical data for the project); and Gayle Likens, Transportation Projects Manager (oversaw the preparation of the traffic demand management program).

Mayor O'Malley requested clarification on the appropriate noticing of the project and questioned whether the Town had been properly notified of the project.

Planning Director Cahill explained that Palo Alto had maintained that the Town was sent a notice of availability to comment on the EIR and a copy of the EIR. Cahill noted that the Planning Department did not receive either of the documents. However, there had been discussions in January between Acting City Engineer Dave Ross and Palo Alto regarding the traffic signalization at Arastradero.

Mayor O'Malley advised Council that the Palo Alto City Council had continued their final vote on the Development Agreement until the Los Altos Hills Council had the opportunity to direct their questions to the Palo Alto staff at tonight's meeting.

Mayor Pro Tem Kerr requested additional information from Palo Alto staff on the public transit aspect of the development's transportation plan. Kerr questioned whether public shuttles would serve the Stanford Research Park and if they would be available to the Town's residents.

Gayle Likens, Transportation Projects Manager, briefly summarized the City's transportation network and noted that the free shuttles were available to the public at large.

Councilmember Jones requested further clarification regarding the traffic aspect of the Development Agreement; most notably their conclusion that the traffic increase as a result of the development would be modest and that traffic signals would not encourage "cut through" traffic into Los Altos Hills.

Emslie provided an overview of the process that Palo Alto had undertaken in assessing the impact of growth at the Research Park. It was determined that the mitigation measures at the intersections presently being discussed (signal lights) would be necessary without any additional growth in the Park due to regional traffic growth.

Heba El-Givendy, Transportation Engineer, explained the analysis of the traffic counts that had been conducted and why they warranted the signalization of the intersections. She explained that the most recent traffic counts were for 2003-2004 and noted that the City would like to avoid widening Arastradero and would like to monitor the traffic flow at both intersections to determine when the installation of the signals would be appropriate. El-Givendy did not have the information requested by Councilmember Jones with her and offered to forward it to Council. She concluded her comments by noting that Palo Alto had determined that there would be no "cut through" traffic by reviewing the roadway layout of the network and where the trips would be generated from and their distance. The location of the two intersections in the overall network was the main determining factor that lead to their final opinion.

#### OPENED PUBLIC COMMENT

Martha Bowden, Saddle Court, expressed her concern that traffic signals on Arastradero would encourage motorists to increase their speeds. As President of the Terman Middle School PTA, she had expended great effort to limit the numbers of kids commuting to school in cars and had encouraged students to ride bikes or walk. Bowden noted that the Palo Alto study was a traffic flow report and had not included number counts for bicyclists and she was very concerned that the road was not a safe route for students to school. She believed that traffic signs were the best deterrent to slow motorists traveling on Arastradero.

Tom Jordan, Palo Alto, expressed his opinion as a former land-use attorney that the Town had not been properly notified during the comment period of the EIR. He suggested that the Town request that the comment period be reopened to permit a full

review of the report including the traffic management plan. Jordan suggested that there had not been an “effective notice” of the project and public hearing.

Dru Anderson, Saddle Court, encouraged the Council and Palo Alto and regional participants to integrate what was actually being reviewed and seek a solution for the traffic being introduced onto Arastradero Road. She would like a review of potential future problems by the region and hoped Council would seek a long-term solution for the residents.

Resident, noted that he was a “walker” and was very concerned about the increase of traffic along Arastradero Road. He believed that any additional construction in the Stanford Research Park would create traffic congestion.

R. K. Arnand, Saddle Mountain Drive, offered that the existing traffic signs on Arastradero act as governors and regulate speed. He noted that traffic lights would potentially divert traffic through Town and suggested that the Town and Palo Alto address the situation by seeking a long-term solution with the proposal of a future increase of square footage at the Research Park.

Betsey Allyn, Palo Alto resident, addressed Council and described the efforts of the twelve neighborhood’s surrounding Arastradero to work with the City of Palo Alto to develop a safe neighborhood residential arterial corridor along Arastradero Road to ensure safety for the pedestrians, bicyclists, students and residents of the area and to maintain their quality of life. She expressed her frustration with the process and believed that the Mayfield Development Agreement would eventually lead to Arastradero becoming a four-lane road from Foothill Expressway to Highway 280.

Sandy Humphries, Fremont Road, questioned why Stanford was increasing the square footage of their Research Park when there was not an apparent need, noting the current vacancy rate of the facilities.

Dot Schreiner, Saddle Mountain Road, applauded the Town residents for their excellent comments. She questioned why the notification radius had been limited to 650 feet and offered that this did not reflect the true impact of the project. Schreiner believed the project was in direct conflict with the Town’s goals as defined in the Circulation Element of the General Plan and suggested further discussions between the Town, Palo Alto and Stanford noting the regional impact of the proposed Development.

Fred Bahln, Palo Alto, College neighborhood, explained that he had formed a “grass roots” neighborhood effort to respond to concerns regarding housing compatibility and traffic impacts from the proposed Development. He suggested that the Mayfield Development review process had been rushed and filled with oversights and offered several supporting examples including the omission of the Town during the comment period. He believed that the traffic analysis contained serious flaws and offered that concerned citizens from the impacted neighboring communities should join forces for maximum impact for their collective goals.

Joseph Sieger, Old Trace Lane, addressed Council. He explained that the residents of Los Altos Hills either did not receive notification of the Palo Alto Public Hearing on the

Mayfield Development Agreement or if they were noticed, received a misleading notice regarding a Hearing on playing fields. Sieger noted that the rural character of Los Altos Hills differs greatly from Palo Alto and suggested that the Town needed the appropriate time to analyze what they were being told by Palo Alto to more clearly assess the impact of the proposal.

Jitze Couperus, Page Mill Road, suggested that the Public Hearing notification from Palo Alto regarding the Mayfield Agreement was “defective” and did not reflect any potential impact to Arastradero Road. Couperus urged the City Council to consult with the City Attorney to see if the notification to “neighbors” and “government to government” was defective and what measures could be taken by the Council to reopen the process.

Nancy Hughes, Old Trace Lane, explained that she loved the rural character of Los Altos Hills and expressed her concern that traffic lights would tempt drivers to increase their speed to “get through” the light. She believed Arastradero could eventually become a race track and noted that this was a highly traveled school route corridor with pedestrians and students on bicycles.

Colette Cranston, Fremont Road, reported that she had viewed the first reading of the Development Ordinance by the Palo Alto City Council and provided a brief summary of the proceedings and Council Member comments. She suggested that if Stanford and Palo Alto want to merge on the project, they should consider mitigating the impacts within their own boundaries. She questioned why the mitigation was being placed on the residential area versus the industrial/recreational/institutional areas. Cranston asked Council to protect her neighborhood and the Town’s northern border from the actions of other communities.

John Harpootlian, Anacapa Drive, suggested that the process should be slowed down. He believed the project had the potential to seriously impact the Town and requested Council make every effort to reopen the EIR process for review and comment.

Homa Yazdani, Baker Lane, encouraged the Council to request the reopening of the EIR review and comment phase to permit adequate time to study the Development proposal. She asked for a formal response from Council to the questions expressed by the residents at tonight’s meeting.

Kim Cranston, Fremont Road, thanked Mayor Pro Tem Kerr for bringing the Development Agreement to his attention and the City Council for their efforts in having the Palo Alto City Council defer their final vote until the Town had the opportunity to discuss the project at tonight’s meeting. He distributed a copy of the Public Hearing Notice that he had received explaining that from the notice he was unable to discern why he was receiving it. He questioned the validity of the comments being expressed by the Palo Alto staff in light of the deceptive notice language. Cranston explained that his major concerns were the proposed traffic signals and their impact on Los Altos Hills and that Los Altos Hills be fully engaged in all future development of the Research Park. He advised Council that the City Council final hearing on the project was scheduled for May 24<sup>th</sup> and if approved, all subsequent hearings regarding the project would be before the Palo Alto Architectural Review Board which had no authority over traffic issues. Cranston suggested Council request the Palo Alto City Council delay the final hearing for

10 days to permit renoticing – this would permit the Council to consider removal of the signal lights as a mitigation. He noted that as private residents, they have hired legal counsel and suggested that Council may wish to seek a second opinion on the matter.

Resident addressed Council and described her experiences on Arastradero with “road rage”. She is very concerned that the addition of traffic signals would encourage people to drive faster.

Resident, explained that he preferred the four way stop signs that now exist on Arastradero because they discourage traffic and encourage safe speeds.

Baljit D. Vikamsingh, strongly encouraged the Council to prevent the disruption of the sanctity that prevails in Los Altos Hills. She urged them to stop the installation of signal lights on Arastradero.

#### CLOSED PUBLIC COMMENT

Councilmember Mordo expressed his belief that this was a broader issue than traffic lights on Arastradero. He offered that the issue was not only how to mitigate traffic now but how to plan for future traffic when the Research Park is completely built out including the option to divert traffic from Arastradero. Mordo did not want to appear as an obstructionist of the Mayfield Development Agreement but believed that more time was needed to review the project. He concurred that the Public Hearing Notice was inadequate.

Mayor Pro Tem Kerr agreed that additional study was required and he would like to move forward with steps to prevent the installation of the traffic lights. He suggested that he would like to see efforts from Palo Alto towards a feasible long term solution to the traffic impact that would include better management of traffic flows.

Councilmember Warshawsky concurred that he would like the opportunity to reopen the comment period and requested clarification from the City Attorney on Council’s position.

City Attorney Steve Mattas offered that the City Council could go on record to request further consideration of the Environmental Impact Report with additional time to review the documents and report them in their entirety to the City Council. Mattas explained that it was important for Council to determine what their immediate goal was at this time: 1) no traffic signals but concurrence with the other approvals; or 2) objection to the overall approvals. He reviewed the Public Hearing Notice with Council and agreed that it would have been difficult for residents of Los Altos Hills who received the notice to understand the impact of the Development on their own adjacent properties. Mattas explained that he would like to review further issues with Council in greater depth in Closed Session. Mattas reviewed with Council the actions that the Palo Alto City Council would be required to take if they were to agree to reopen the comment period on the Environmental Impact Report.

Councilmember Jones commented on the efforts of Woodside, Portola Valley and Los Altos Hills to retain their rural character with the only nearby industrial development located on the Stanford lands. The recent events have clearly indicated that regional

planning for the site is required and that the Town should be included in the discussions. Jones concurred that the Public Hearing Notice was inadequate and suggested that he would like to request the Palo Alto City Council reopen the comment period for the EIR consistent with CEQA requirements and that the Town be included any further planning for the area.

Mayor O'Malley commented that the proposal by Palo Alto to place traffic lights on Arastradero Road had galvanized the Town's residents. He suggested that it was important for Council to acknowledge to Palo Alto that the Town was opposed to the signal lights and would like to be involved with any future planning in the areas. O'Malley offered to contact Mayor Burch to express the Town's concerns with the signal lights and convey the results of the City Council meeting.

Council briefly discussed the option of scheduling a Special Meeting for the purpose of a Closed Session or adding a Closed Session to tonight's meeting agenda. City Attorney Steve Mattas explained the criteria for adding a Closed Session to tonight's meeting agenda and advised Council that he would recommend scheduling a Special Meeting.

Mattas explained the procedure that would be required for Palo Alto, in response to a request from the Los Altos Hills City Council, to reopen the public comment period of the Environmental Documents. He noted that Mr. Emslie had clarified on the record that the Palo Alto City Council had completed the first stage of the approvals and would be adopting the Development Agreement Ordinance at their next meeting following its first reading at the previous Council meeting. Mattas explained that because Palo Alto had already voted to certify the EIR, Council would request them to reopen the comment period and to reconsider their vote to certify the documents.

**MOTION SECONDED AND CARRIED:** Moved by Jones, seconded by Warshawsky and passed by the following roll call vote to respectfully request the City Council of Palo Alto, due to the insufficient and ineffective notice to Los Altos Hills City government and residents, reconsider the certification of the EIR for the Mayfield Development Agreement and grant an extension of the public comment period

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones,  
Councilmember Mordo and Councilmember Warshawsky  
NOES: None  
ABSENT: None  
ABSTAIN: None

City Attorney Steve Mattas was directed to draft the letter to Palo Alto for the Mayor's approval and signature. The letter would permit the City Council to be on the record prior to any action taken by Palo Alto. Mattas advised the Council that if Palo Alto should chose not to reopen the comment period and Council had a desire to object to the EIR he would explain the procedural steps and process for Council in Closed Session.

Council recessed at 8:40 p.m.

Council reconvened to the Regular Meeting at 8:55 p.m.



### 5.3 Los Altos/Los Altos Hills Sport Field Ad Hoc Committee Status Report

Mayor Pro Tem Kerr reported that resident Brad Lyman, a participant on the Los Altos/Los Altos Hills Sport Field Ad Hoc Committee, was currently developing cost estimates for field maintenance and a feasibility study of parent funding to improve the quality of the Los Altos sports fields. Kerr noted that he expected the Committee to return to Council when the study was completed.

Councilmember Jones clarified that the issues of field maintenance and field improvements were not concerns of the Los Altos Hills Council, but were the responsibility of Los Altos and the Los Altos School District. The expectation of the Committee was that the Town of Los Altos Hills would participate by adding additional field capacity.

## 6. NEW BUSINESS

### 6.1 Discussion of Temporary Fence Height Variance – Process and Solutions; Lands of Breier

Planning Director Carl Cahill explained that the Town had received a request from its rear yard neighbor to retain the existing privacy fence that was installed during construction for screening until the landscaping had matured and would mitigate their view of Town Hall. Cahill added that staff was recommending the purchase of the existing fence at an estimated cost of \$600.00. This would permit the Town to remove the fence when it was deemed appropriate. Cahill noted that a variance would not be required to accommodate the neighbor's request because it was a temporary fence.

Council briefly discussed the request and concurred that it was important that the fence would be removed at the discretion of the Town.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Mordo and passed unanimously to approve Staff's request to purchase the temporary fence located behind Town Hall at a cost of approximately \$600.00 and for the temporary fence to remain until the landscaping matured. The fence would be removed at the discretion of the Council.

### 6.2 Consideration of a Resolution of the City Council of the Town of Los Altos Hills Requesting the Allocation of FY 2005-06 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding from the Metropolitan Transportation Commission for the Pedestrian Bridge Replacement at Foothill College

City Engineer/Director of Public Works Henry Louie introduced this item to Council. He provided a brief overview of his staff report that was before Council noting that staff was requesting authorization of the grant application for guaranteed funds from the MTC in

the amount of \$11,310 for an eligible project. Louie explained that the pedestrian bridge over Adobe Creek adjacent to the Foothill College entrance road connecting to El Monte Road was an eligible project. He noted that staff was recommending that the local share be funded from the Pathway Fund.

Mayor Pro Tem Kerr advised that the proposed bridge was a solution to a very hazardous area and would be a part of the Foothill/El Monte Corridor. The anticipated cost of the bridge was \$80,000 - \$90,000. Kerr anticipated that the project (Foothill/ El Monte Corridor) would be reviewed favorably by the VTA and funded with approximately \$800,000. He explained that the funds under discussion tonight were from the MTC. Kerr recommended Council approval of the application and additionally to direct staff to move forward with limited pre-engineering work for the project.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt Resolution No.43-05 requesting the allocation of FY 2005-2006 Transportation Development Act Article 3 Pedestrian/Bicycle project funding from the Metropolitan Transportation Commission for the Pedestrian Bridge Replacement Project at Foothill College and to direct staff to move forward with limited preliminary engineering for the project with the not to exceed associated costs of \$5,000.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Mayor Pro Tem Kerr reported that the Environmental Initiatives Committee had met and elected Peter Evans as Chair of the Committee. The Committee recommended that the City Council adopt the incentive proposed fee schedule reduction for solar projects presented by the Planning Director at the previous Council meeting. They would take under further review the suggestion of an MDA bonus as an incentive for solar projects. Kerr reported that the Committee had adopted a strategic goal of reducing electrical consumption on newly constructed projects by 25% and had developed a draft energy efficiency ordinance that would assist in meeting these goals. The Committee would like direction from the Council on the ordinance and noted that he had been advised by the Planning Director to schedule a public study session on the issue.

Councilmember Mordo commented that he concurred that it was very important to engage the residents and garner their input prior to drafting the ordinance. He suggested using incentives over mandating requirements. Mordo offered that it was essential to move slowly and to be well educated on the subject before establishing requirements.

Councilmember Warshawsky concurred that it was important to move slowly and methodically to be successful. He had supported the green energy elements of the New Town Hall but advised that he believed incentives versus mandating requirements was the correct approach to reducing electrical consumption.

Staff was directed to collect energy ordinances adopted by other cities.

The consensus of the Council was to schedule a study session for public input on the energy conservation ordinance and advise the Los Altos Hills residents of the meeting by a Town wide notice.

Mayor O'Malley reported that he had attended a meeting of Los Altos business leaders and Los Altos City Council Members to review the downtown business area. They requested consideration of an insert for downtown restaurants to be included in our Newsletter.

Mayor O'Malley reported that he had been advised by the Santa Clara Valley Water District that the Adobe Creek project had recently received approval of funding of approximately \$2.5 million for the \$4 million project. He offered that this was excellent news.

8. STAFF REPORTS

8.1 City Manager

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

10. PRESENTATIONS FROM THE FLOOR

Opened Presentations from the Floor

Closed Presentations from the Floor

11. PUBLIC HEARINGS

None

12. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the Council at 9:10 p.m.

Respectfully submitted,

Karen Jost, City Clerk

The minutes of the May 19, 2005 Regular City Council meeting were approved as presented at the June 2, 2005 Regular City Council Meeting.